

All of claims were rejected under 35 USC 112, second paragraph, as being indefinite in the expression "arterial thrombotic complications associated with atherosclerosis."

Applicant respectfully traverses this ground of rejection since the amended claims are believed to comply with 35 USC 112. Claim 8 has now been amended to be directed to a method of combatting the development of atherosclerosis and this is clearly supported by the last paragraph of page 6 of the application. Therefore, the claims are not indefinite and withdrawal of this ground of rejection is requested.

All of the claims stand rejected under 35 USC 103 as being anticipated by Agouridas et al which, according to the Examiner, teaches a method of combatting bacterial infection in warm-blooded animals by administering an effective amount of a ketolide or a salt thereof and therefore, the Examiner deems the claims to be directed to the same treatment as the reference.


since the Agouridas et al patent does not anticipate or render obvious Applicant's invention which is drawn to a method of combatting the development of atherosclerosis. The reference cited by the Examiner merely teaches that ketolides can combat bacterial infections. The prior art ^{doesn't} teach that chlamydia pneumonia ~~does~~ ^{cause} atherosclerosis but has been found ^{as being useful as an} ~~as being useful as an~~ in atherosclerotic situations/conditions

~~thus contributing to~~
~~antibacterial agent to combat~~ increase in the disease and this is not the same. Applicant will concede that ketolides are known to be active against microorganisms including chlamydia pneumonia and this is the subject of the Argouridas et al patent. However, it was not known that ketolides had any anti-platelet aggregating activity, ^(B) and Applicant has discovered that in addition to the antibacterial activity of the ketolides exhibit an interesting anti-platelet aggregating activity and use the advantage for the original treatment of atherosclerosis such as myocardial infraction, cerebrovascular accidents and unstable angina following atherosclerosis. One of the advantages of Applicant's treatment is that it permits a reduction in the number of drugs used in such a situation since it usually requires anti-thrombotics, anti-hypertensives, hypocholesterolemiant and antibiotics for the treatment. Therefore, it is deemed that the patent is no way anticipates or renders obvious Applicant's invention and withdrawal of this ground of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicant's patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

By:


Charles A. Muserlian #19,683
Attorney for Applicants
Tel.# (212) 661-8000

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INSERT B

It was simply reported that antibiotic treatment with certain categories of antimicrobial drugs including penicillins, cephalosporins and ampicillin might induce bleeding complications, especially prolonged bleeding time and defective platelet aggregation, but this was reported with mind attempts to limit the side-effects of antibiotic treatments, and nothing more.

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Applicant respectfully traverses this ground of rejection since the Agouridas et al patent does not anticipate or render obvious Applicant's invention which is drawn to a method of combatting the development of atherosclerosis. The reference cited by the Examiner merely teaches that ketolides can combat bacterial infections. The prior art doesn't teach that chlamydia pneumonia causes atherosclerosis but has been found in atherosclerosis

situations/conditions thus contributing to increase the disease and this is not the same. Applicant will concede that ketolides are known to be active against microorganisms including chlamydia pneumonia and this is the subject of the Argouridas et al patent. However, it was not known that ketolides had any anti-platelet aggregating activity. It was simply reported that antibiotic treatment with certain categories of antimicrobial drugs including penicillins, cephalosporins and ampicillin might induce bleeding complications, especially prolonged bleeding time and defective platelet aggregation, but this was reported with mind attempts to limit the side-effects of antibiotic treatments, and nothing more. Applicant has discovered that in addition to the antibacterial activity the ketolides exhibit an interesting anti-platelet aggregating activity and use the advantage for the original treatment of atherosclerosis such as myocardial infraction, cerebrovascular accidents and unstable angina following atherosclerosis. One of the advantages of Applicant's treatment is that it permits a reduction in the number of drugs used in such a situation since it usually requires anti-thrombotics, anti-hypertensives, hypocholesterolemiants and antibiotics for the treatment. Therefore, it is deemed that the patent is not anticipated or renders obvious Applicant's invention and withdrawal of this ground of rejection is requested.

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